

DRAFT RECODIFICATION

Title 79 RCW PUBLIC LANDS

Chapter 79.19 RCW LAND BANK

RCW ~~79.66.010~~ 79.19.010 Legislative finding.

The legislature finds that from time to time it may be desirable for the department of ~~natural resources~~ to sell state lands which have low potential for natural resource management or low income-generating potential or which, because of geographic location or other factors, are inefficient for the department to manage. However, it is also important to acquire lands for long-term management to replace those sold so that the publicly owned land base will not be depleted and the publicly owned forest land base will not be reduced. The purpose of this chapter is to provide a means to facilitate such sales and purchases so that the diversity of public uses on the trust lands will be maintained. In making the determinations, the department shall comply with local land use plans and applicable growth management principles.

[1984 c 222 § 1; 1977 ex.s. c 109 § 1.]

RCW ~~79.66.020~~ 79.19.020 Land bank--Created--Purchase of property authorized.

The department of ~~natural resources~~, with the approval of the board of ~~natural resources~~, may purchase property at fair market value to be held in a land bank, which is hereby created within the department. Property so purchased shall be property which would be desirable for addition to the public lands of the state because of the potential for natural resource or income production of the property. The total acreage held in the land bank shall not exceed one thousand five hundred acres.

[1984 c 222 § 2; 1977 ex.s. c 109 § 2.]

RCW ~~79.66.030~~ 79.19.030 Exchange or sale of property held in land bank.

The department of ~~natural resources~~, with the approval of the board of ~~natural resources~~, may:

- (1) Exchange property held in the land bank for any other public lands of equal value administered by the department of ~~natural resources~~, including any lands held in trust.
- (2) Exchange property held in the land bank for property of equal or greater value which is owned publicly or privately, and which has greater potential for natural resource or income production or which could be more efficiently managed by the department, however, no power of eminent domain is hereby granted to the department; and
- (3) Sell property held in the land bank in the manner provided by law for the sale of state lands without any requirement of platting and to use the proceeds to acquire property for the land

bank which has greater potential for natural resource or income production or which would be more efficiently managed by the department.

[1984 c 222 § 3; 1977 ex.s. c 109 § 3.]

RCW ~~79.66.040~~ 79.19.040 Management of property held in land bank.

The department of natural resources may manage the property held in the land bank as provided in RCW ~~79.01.612~~ 79.10.030 : ~~PROVIDED, That~~ However, such properties or interest in such properties shall not be withdrawn, exchanged, transferred, or sold without first obtaining payment of the fair market value of the property or interest therein or obtaining property of equal value in exchange.

[1984 c 222 § 4; 1977 ex.s. c 109 § 4.]

RCW ~~79.66.050~~ 79.19.050 Appropriation of funds from forest development account or resource management cost account--Use of income.

The legislature may authorize appropriation of funds from the forest development account or the resource management cost account for the purposes of this chapter. Income from the sale or management of property in the land bank shall be returned as a recovered expense to the forest development account or the resource management cost account and may be used to acquire property under RCW ~~79.66.020~~ 79.19.020.

[1984 c 222 § 5; 1977 ex.s. c 109 § 5.]

Notes:

Forest development account: RCW 76.12.110.

Resource management cost account: RCW 79.64.020.

RCW ~~79.66.060~~ 79.19.060 Reimbursement for costs and expenses.

The department of natural resources shall be reimbursed for actual costs and expenses incurred in managing and administering the land bank program under this chapter from the forest development account or the resource management cost account in an amount not to exceed the limits provided in RCW 79.64.040. Reimbursement from proceeds of sales shall be limited to marketing costs provided in RCW ~~79.01.612~~ 79.10.030.

[1984 c 222 § 6.]

RCW ~~79.66.070~~ 79.19.070 Land bank technical advisory committee.

(1) There is created a land bank technical advisory committee, consisting of three members. Membership shall consist of: One member qualified by experience and training in

matters pertaining to land use planning and real estate appointed by the commissioner of public lands, one member qualified by experience and training in public trust matters appointed by the superintendent of public instruction, and one member qualified by experience and training in financial matters appointed by the state treasurer.

(2) The technical advisory committee shall provide professional advice and counsel to the board of natural resources regarding land bank sales, purchases, and exchanges involving urban property.

(3) Members of the technical advisory committee shall be appointed for five-year terms and shall serve until a successor is appointed. In the case of a vacancy the vacancy shall be filled by the appointing authority. The initial term of the appointee of the commissioner shall expire in three years. The initial term of the appointee of the superintendent shall expire in four years. The initial term of the appointee of the treasurer shall expire in five years. All terms expire December 31.

(4) Members of the technical advisory committee shall be reimbursed for travel expenses incurred in the performance of their duties under RCW 43.03.050 and 43.03.060.

[1984 c 222 § 7.]

RCW ~~79.66.080~~ 79.19.080 Identification of trust lands expected to convert to commercial, residential, or industrial uses--Hearing--Notice--Designation as urban lands.

Periodically, at intervals to be determined by the board of natural resources, the department of natural resources shall identify trust lands which are expected to convert to commercial, residential, or industrial uses within ten years. The department shall adhere to existing local comprehensive plans, zoning classifications, and duly adopted local policies when making this identification and determining the fair market value of the property.

The department shall hold a public hearing on the proposal in the county where the state land is located. At least fifteen days but not more than thirty days before the hearing, the department shall publish a public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the trust land is located. At the same time that the published notice is given, the department shall give written notice of the hearings to the departments of fish and wildlife and general administration, to the parks and recreation commission, and to the county, city, or town in which the property is situated. The department shall disseminate a news release pertaining to the hearing among printed and electronic media in the area where the trust land is located. The public notice and news release also shall identify trust lands in the area which are expected to convert to commercial, residential, or industrial uses within ten years.

A summary of the testimony presented at the hearings shall be prepared for the board's consideration. The board of natural resources shall designate trust lands which are expected to convert to commercial, residential, or industrial uses as urban land. Descriptions of lands designated by the board shall be made available to the county and city or town in which the land is situated and for public inspection and copying at the department's administrative office in Olympia, Washington and at each area office.

The hearing and notice requirements of this section apply to those trust lands which have been identified by the department prior to July 1, 1984, as being expected to convert to commercial, residential, or industrial uses within the next ten years, and which have not been sold or exchanged prior to July 1, 1984.

[1994 c 264 § 60; 1988 c 36 § 53; 1984 c 222 § 8.]

RCW ~~79.66.090~~ 79.19.090 Exchange of urban land for land bank land--Notification of affected public agencies.

If the department ~~of natural resources~~ determines to exchange urban land for land bank land, public agencies defined in RCW ~~79.01.009~~ 79.17.200 that may benefit from owning the property shall be notified in writing of the determination. The public agencies have sixty days from the date of notice by the department to submit an application to purchase the land and shall be afforded an opportunity of up to one year, as determined by the board ~~of natural resources~~, to purchase the land from the land bank at fair market value directly without public auction as authorized under RCW ~~79.01.009~~ 79.17.200. The board ~~of natural resources~~, if it deems it in the best interest of the state, may extend the period under terms and conditions as the board determines. If competing applications are received from governmental entities, the board shall select the application which results in the highest monetary value.

[1993 c 265 § 1; 1984 c 222 § 9.]

RCW ~~79.01.784~~ 79.19.100 Urban lands--Cooperative planning, development.

The purpose of this section is to foster cooperative planning ~~between~~ among the state ~~of Washington~~, the department ~~of natural resources~~, and local governments as to state-owned lands under the department's jurisdiction situated in urban areas.

At least once a year, prior to finalizing the department's urban land leasing action plan, the department and applicable local governments shall meet to review state and local plans and to coordinate planning in areas where urban lands are located. The department and local governments may enter into formal agreements for the purpose of planning the appropriate development of these state-owned urban lands.

The department shall contact those local governments which have planning, zoning, and land-use regulation authority over areas where urban lands under its jurisdiction are located so as to facilitate these annual or other meetings.

"Urban lands" as used in this section ~~shall~~ means those areas which within ten years are expected to be intensively used for locations of buildings ; or structures, and usually have urban governmental services.

"Local government" as used in this section ~~shall~~ means counties, cities, and towns having planning and land-use regulation authority.

[1979 ex.s. c 56 § 1.]

RCW ~~79.66.100~~ 79.19.110 Lands for commercial, industrial, or residential use--Payment of in-lieu of property tax--Distribution.

Lands purchased by the department of ~~natural resources~~ for commercial, industrial, or residential use shall be subject to payment of in-lieu of real property tax for the period in which they are held in the land bank. The in-lieu payment shall be equal to the property taxes which would otherwise be paid if the land remained subject to the tax. Payment shall be made at the end of the calendar year to the county in which the land is located. If a parcel is not held in the land bank for the entire year, the in-lieu payment shall be reduced proportionately to reflect only that period of time in which the land was held in the land bank. The county treasurer shall distribute the in-lieu payments proportionately in accordance with RCW 84.56.230 as though such moneys were receipts from ad valorem property taxes.

[1984 c 222 § 10.]

RCW ~~79.66.900~~ 79.19.900 Severability--1984 c 222.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 222 § 15.]

RCW ~~79.66.901~~ 79.19.901 Effective date--1984 c 222.

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1984.

[1984 c 222 § 16.]